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AMENDMENTS TO LB 301

1 1. Insert the following new sections:

2 "Sec. 44. Section 71-4737, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-4737. The Legislature recognizes that it is necessary
5 to track newborns and infants identified with a potential hearing
6 loss or who have been evaluated and have been found to have a
7 hearing loss for a period of time in order to render appropriate
8 followup care. The Department of Health and Human Services
9 Regulation and Licensure shall, ~~on or before December 1, 2000,~~
10 determine and implement the most appropriate system for this state
11 which is available to track newborns and infants identified with a
12 hearing loss. It is the intent of the Legislature that the
13 tracking system provide the department and Legislature with the
14 information necessary to effectively plan and establish a
15 comprehensive system of developmentally appropriate services for
16 newborns and infants who have a potential hearing loss or who have
17 been found to have a hearing loss and shall reduce the likelihood
18 of associated disabling conditions for such newborns and infants.

19 Sec. 45. Section 71-4738, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-4738. The Department of Health and Human Services
22 Regulation and Licensure shall apply for all available federal
23 funding to implement the Infant Hearing Act.

24 Sec. 46. Section 71-4739, Reissue Revised Statutes of

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1 Nebraska, is amended to read:

2 71-4739. (1) ~~Beginning December 1, 2000, and annually~~
3 ~~thereafter, every~~ Every birthing facility shall annually report to
4 the Department of Health and Human Services Regulation and
5 Licensure the number of:

6 (a) Newborns born;

7 (b) Newborns and infants recommended for a hearing
8 screening test;

9 (c) Newborns who received a hearing screening test during
10 birth admission;

11 (d) Newborns who passed a hearing screening test during
12 birth admission if administered;

13 (e) Newborns who did not pass a hearing screening test
14 during birth admission if administered; and

15 (f) Newborns recommended for monitoring, intervention,
16 and followup care.

17 (2) ~~Beginning December 1, 2000, and annually thereafter,~~
18 ~~every~~ Every confirmatory testing facility shall annually report to
19 the Department of Health and Human Services Regulation and
20 Licensure the number of:

21 (a) Newborns and infants who return for a followup
22 hearing test;

23 (b) Newborns and infants who do not have a hearing loss
24 based upon the followup hearing test; and

25 (c) Newborns and infants who are shown to have a hearing
26 loss based upon the followup hearing test.

27 Sec. 47. Section 71-4740, Reissue Revised Statutes of

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1 Nebraska, is amended to read:

2 71-4740. (1) ~~Beginning January 1, 2001, every~~ Every
3 birthing facility shall educate the parents of newborns born in
4 such facilities of the importance of receiving a hearing screening
5 test and any necessary followup care. This educational information
6 shall explain, in lay terms, the hearing screening test, the
7 likelihood of the newborn having a hearing loss, followup
8 procedures, and community resources, including referral for early
9 intervention services under the Early Intervention Act. The
10 educational information shall also include a description of the
11 normal auditory, speech, and language developmental process in
12 children. Education shall not be considered a substitute for the
13 hearing screening test.

14 (2) If a newborn is not born in a birthing facility, the
15 Department of Health and Human Services Regulation and Licensure
16 shall educate the parents of such newborns of the importance of
17 receiving a hearing screening test and any necessary followup care.
18 The department shall also give parents information to assist them
19 in having the test performed within three months after the date of
20 the child's birth.

21 Sec. 48. Section 71-4741, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-4741. (1) The Department of Health and Human Services
24 Regulation and Licensure shall determine which birthing facilities
25 are administering hearing screening tests to newborns and infants
26 on a voluntary basis and the number of newborns and infants
27 screened. The department shall annually report to the Legislature

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1 ~~by January 1, 2002, and annually thereafter,~~ the number of:

2 (a) Birthing facilities administering voluntary hearing
3 screening tests during birth admission;

4 (b) Newborns screened as compared to the total number of
5 newborns born in such facilities;

6 (c) Newborns who passed a hearing screening test during
7 birth admission if administered;

8 (d) Newborns who did not pass a hearing screening test
9 during birth admission if administered; and

10 (e) Newborns recommended for followup care.

11 (2) The department, in consultation with the State
12 Department of Education, birthing facilities, and other providers,
13 shall develop approved screening methods and protocol for statewide
14 hearing screening tests of substantially all newborns and infants.
15 ~~by December 1, 2002.~~

16 (3) Subject to available appropriations, the Department
17 of Health and Human Services Regulation and Licensure shall make
18 the report described in this section available.

19 Sec. 49. Section 71-4742, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-4742. (1) ~~By December 1, 2003, each~~ Each birthing
22 facility shall include a hearing screening test as part of its
23 standard of care for newborns and shall establish a mechanism for
24 compliance review. ~~By December 1, 2003, a~~ A hearing screening test
25 shall be conducted on no fewer than ninety-five percent of the
26 newborns born in this state.

27 (2) If the number of newborns receiving a hearing

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1 screening test does not equal or exceed ninety-five percent of the
2 total number of newborns born in this state on or before December
3 1, 2003, or falls below ninety-five percent at any time thereafter,
4 the Department of Health and Human Services Regulation and
5 Licensure shall immediately adopt and promulgate rules and
6 regulations implementing a hearing screening program. The hearing
7 screening program shall provide for a hearing screening test that
8 every newborn born in this state shall undergo and shall provide
9 that the hearing screening test be completed during birth admission
10 or, if that is not possible, no later than three months after
11 birth. Notwithstanding this section, it is the goal of this state
12 to achieve a one-hundred-percent screening rate.

13 Sec. 50. Section 71-4743, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 71-4743. The Department of Health and Human Services
16 Regulation and Licensure and the State Department of Education
17 shall establish guidelines for when a referral shall be made for
18 early intervention services under the Early Intervention Act. The
19 guidelines shall include a request for an individual evaluation of
20 a child suspected of being deaf or hard of hearing as defined in
21 section 79-1118.01.

22 Sec. 51. Section 71-4744, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 71-4744. The Department of Health and Human Services
25 Regulation and Licensure shall adopt and promulgate rules and
26 regulations necessary to implement the Infant Hearing Act.".

27 2. Renumber the remaining sections and correct the

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- 1 internal references and repealer so that the sections added by this
- 2 amendment become operative on July 1, 2005.